

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
DANA LANTHIER,
Defendant and Judgment Debtor.

Case No.: 1:20-MC-00002-AWI-SKO

**[PROPOSED] ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND FINAL
ORDER OF GARNISHMENT**

Criminal Case No.: 1:10-CR-00214-LJO

JANNEY MONTGOMERY SCOTT LLC,
(and its Successors and Assignees)

On January 10, 2020, the United States filed an Application for Writ of Continuing Garnishment (retirement accounts) against defendant and judgment debtor Dana Lanthier’s (“Lanthier”) property and accounts. Doc. 1. The Clerk of the Court issued the Writ and Clerk’s Notice of Instructions to the Judgment Debtor. Doc. 3, 5. The United States served the Writ and related documents on Janney Montgomery Scott LLC (“Garnishee”) and Lanthier. Doc. 2, 4.

On January 23, 2020, the Garnishee filed its Acknowledgment of Service and Answer of Garnishee stating that Garnishee is in possession of a Roth IRA retirement plan in which Lanthier has an interest, with an approximate value of \$9,094.65. Doc. 6. Lanthier did not file a claim of exemption to the proposed garnishment, did not object to the Garnishee's answer, did not request a hearing, and did not otherwise object to the United States' garnishment action.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on February 12, 2020, the Magistrate
2 Judge issued findings and recommendations that recommended that the United States' request for final
3 order of garnishment be granted and ordered that any objections were due within fourteen (14) days after
4 service. Doc. 9. The United States served the findings and recommendations on Lanthier on February
5 12, 2020. Doc. 10. Lanthier did not object and the time to do so has passed.

6 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the
7 case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings
8 and recommendations are supported by the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The United States' Request for Findings and Recommendations for Final Order of
11 Garnishment, (Doc. 7) is GRANTED;
- 12 2. Garnishee Janney Montgomery Scott LLC is directed to pay the Clerk of the United
13 States District Court \$8,458.33 of the funds in the accounts held by Garnishee, in which
14 Dana Lanthier aka Dana Milgrim has an interest within fifteen (15) days of the filing of
15 this Order;
- 16 3. Payment shall be made in the form of a cashier's check, money order or company draft,
17 made payable to the Clerk of the Court and delivered to the United States District Court,
18 Eastern District of California, 501 I Street, Room 4-200, Sacramento, California 95814.
19 The criminal docket number (1:10-CR-00214-LJO) shall be stated on the payment
20 instrument;
- 21 4. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the
22 case, if necessary; and
- 23 5. This garnishment shall be terminated when the payment is deposited with the Clerk of the
24 Court.

25 IT IS SO ORDERED.

26 Dated: March 2, 2020



27 Shklar
28 SENIOR DISTRICT JUDGE